

## **REMARKS**

Claims 28-39 are elected without traverse. By virtue of this response, claims 28, 33 and 35 have been amended, and claims 41 and 42 are new claims. Amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Support for the amended and new claims may be found throughout the specification and in particular on pages 8 and 9. No new matter is believed to have been added. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is entitled “**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**”

### **Regarding the Restriction Requirement**

In the outstanding Office Action, the claims have been subject to a restriction requirement under 35 U.S.C. § 121, the Applicants confirm the election, without traverse, of Group II, claims 28-39.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

### **Regarding the Information Disclosure Statement**

The Applicants thank the Examiner for his review of the Information Disclosure Statement and the references provided therewith, and for the return of the initialed PTO-1449 form.

Applicants note that a Supplemental Information Disclosure Statement, PTO-1449 and references are being filed herewith.

### **Regarding the Formal Drawings**

The Applicants acknowledge the draftspersons objections and will submit revised Formal Drawings for Figures 1-12 in a timely manner.

### **Rejections under 35 U.S.C. §112, second paragraph**

The Office has rejected claim 28 and dependent claims 29-33, 28 and 39 as being allegedly indefinite. The Applicants respectfully traverse the rejection. However, in the interest of expediting prosecution, the Applicants have amended claims 28 and 33 to more particularly and distinctly point out the claimed invention. As suggested by the Examiner, claim 35 has been amended to recite "salt" rather than "salts".

For the reasons given above the Applicants assert that the claims as amended are definite and respectfully request that the rejection be withdrawn.

### **Claim Objections**

The Office has objected to claims 34-37 as being dependent upon a rejected base claim and indicated that the subject matter is otherwise allowable.

The Applicants have amended claim 28 to more particularly point out and distinctly claim their invention and assert that claim 28 is now in condition for allowance. Accordingly, upon allowance of claim 28, the above objection is rendered moot. The Applicants therefore request the withdrawal of the rejection.

## CONCLUSION

Applicants have, by way of the amendments and remarks presented herein, made a sincere effort to overcome the rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. However, if the Examiner wishes to discuss this response or the application with Applicants' agent he is invited to telephone her at the number listed below or Tom Ciotti at (650) 813-5702.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 484482000300. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: June 12, 2002

By: 

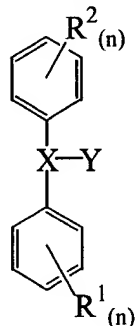
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**In the Claims:**

Claims 28, 33 and 35 are amended.

28. (Amended) An agent which protects stratified squamous epithelium against injury by a noxious substance, and has the formula:



wherein: X is a linker selected from the group consisting of  $C_1$ - $C_6$  alkylene,  $C_2$ - $C_6$  alkenylene, [or] and  $C_3$ - $C_6$  alkynylene, wherein X may optionally include 1 or 2 oxygen atoms and/or 1 sulfur atom;

Y is a group pendant from X, wherein Y is  $C_1$ - $C_{10}$  alkyl,  $C_2$ - $C_{10}$  alkenyl,  $C_2$ - $C_{10}$  alkynyl, aromatic or cyclic-aliphatic to which is attached [comprising] at least one  $-\text{OSO}_3\text{R}^4$  moiety, wherein  $\text{R}^4$  is H or a pharmaceutically acceptable cation, and, optionally, at least one hydroxyl group; or,

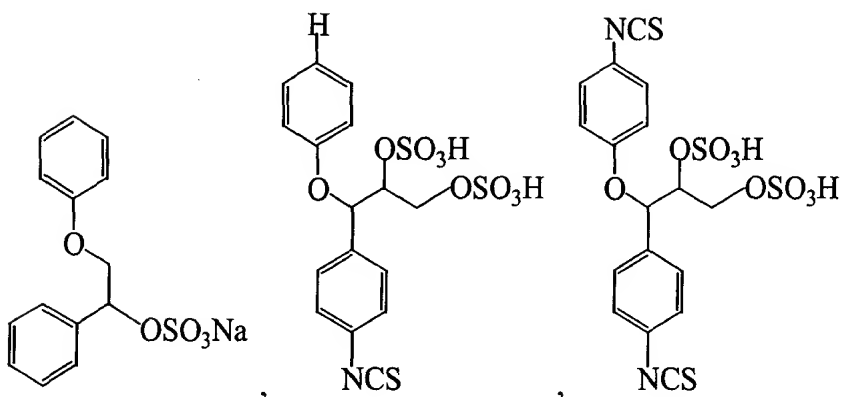
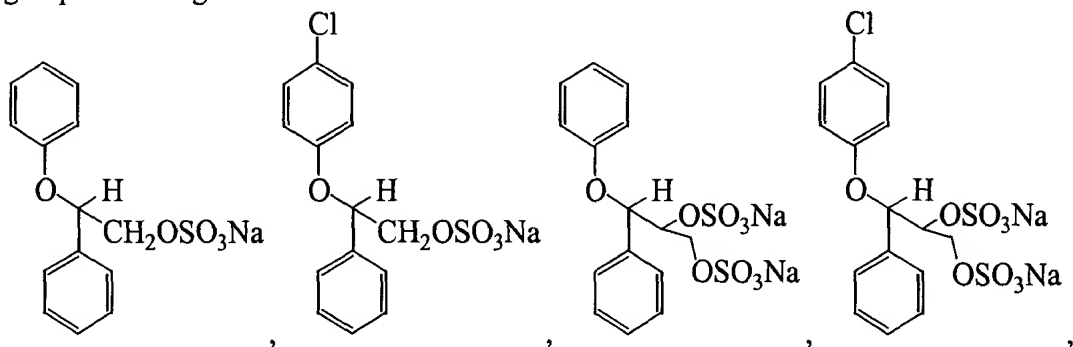
Y is  $-\text{OSO}_3\text{R}^4$ , wherein  $\text{R}^4$  is H or a pharmaceutically acceptable cation;

n is an integer from 1-3; and

$\text{R}^1$  and  $\text{R}^2$  are each independently selected from the group consisting of -H, a halogen with an atomic number from 9 to 53, hydroxy,  $-\text{SO}_3\text{R}^4$ ,  $-\text{OSO}_3\text{R}^4$ , -NCS, -NCO,  $-\text{NH}(\text{CO})-\text{OR}^3$ ,  $-\text{NH}(\text{CS})\text{SR}^3$ ,  $-\text{NH}(\text{C}=\text{NH})\text{OR}^3$ ,  $-\text{NHCOCH}_2\text{Cl}$ ,  $-\text{NHCOCH}_2\text{Br}$ ,  $-\text{NHCO}-\text{CH}=\text{CH}_2$ ,  $-\text{NHC}(\text{O})-\text{CF}_3$ ,  $-\text{S}-\text{CH}_2-\text{CH}=\text{CH}_2$ ,  $-\text{NHCH}_2-\text{C}\equiv\text{CH}$ ,  $-\text{NH}-\text{CH}_2-\text{CN}$ ,  $-\text{NH}-\text{S}-\text{CH}_2-\text{CH}=\text{CH}_2$ ,  $-\text{O}-\text{CH}_2-\text{CH}=\text{CH}_2$ ,  $-\text{NH}-\text{CF}_3$ , N-mono-, di-, tri-, tetra- and penta-haloethyl, -CN,  $-\text{NH}_2$ ,  $-\text{NO}_2$ ,  $-\text{NHCOCH}_3$ , -CHO,  $-\text{COOR}^4$ ,  $-\text{N}_3$ ,  $-\text{COR}^3$ ,  $-\text{R}^3\text{OH}$ ,  $-\text{R}^3\text{NHCOCH}_3$ ,  $-\text{R}^3\text{OSO}_3\text{R}^4$ ,  $-\text{R}^3\text{SO}_3\text{R}^4$ ,  $-\text{OR}^3$ ,  $-\text{SR}^3$  and  $-\text{R}^3$ , wherein  $\text{R}^3$  is p-nitrophenyl,  $C_1$ - $C_6$  alkyl,  $C_2$ - $C_6$  alkenyl, or  $C_2$ - $C_6$  alkynyl, if at the distal end of the substituent, or  $C_1$ - $C_6$  alkylene,  $C_2$ - $C_6$  alkenylene, or  $C_2$ - $C_6$  alkynylene, if at the proximal end of the substituent, and wherein  $\text{R}^4$  is H or a pharmaceutically acceptable cation.

33. (Amended) The agent of claim 28, wherein [Y comprises] at least two  $-\text{OSO}_3\text{R}^4$  moieties are attached to Y.

35. (Amended) The agent of claim 28, wherein the agent is selected from the group consisting of:



, [and all] or a pharmaceutically acceptable [salts] salt thereof.